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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,587	01/23/2004	Guy Riddle	4860P1939C	7737
<div>7590 06/04/2007 Blakely, Sokoloff, Taylor & Zafman LLP 7th Floor 12400 Wilshire Boulevard Los Angeles, CA 90025</div>			<div>EXAMINER WINDER, PATRICE L</div>	
			<div>ART UNIT 2145</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 06/04/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,587

Applicant(s)

RIDDLE, GUY

Examiner

Patrice Winder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1-23-2004; 10-26-2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION***Election/Restrictions***

1. Applicant's election without traverse of claims 1-20 in the reply filed on March 8, 2007 is acknowledged.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-6 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 5,857,189.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they are not patently distinct.

Pending application	USPN 5,857,189
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1. A method of providing access to a remotely stored file comprising:	1. A method of sharing files during a teleconference comprising the steps of:
displaying a file sharing window on a local computer a representation of a file stored on a remote computer;	creating a window on a display; posting a first representation of remote file in the window;
copying the file from the remote computer to the local computer to create a copied file when the user attempts to open the file from the file sharing window; and	copying the file to a desired storage location;
changing the representation of the file in the file sharing window into an alias of the copied file to allow the copied file to be directly opened from the local computer via the alias in the file sharing window.	changing the representation to a second representation when the remote file has been copied.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 7-16 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tang et al., USPN 5,793,365 (hereafter referred to as Tang).

6. Regarding claims 7 and 10, Tang taught a computer system (abstract) comprising:

a teleconferencing application having a teleconferencing window to display video images received from a remote computer via a teleconferencing communications link (column 12, lines 61-67; column 13, lines 1-4); and

an accessory application having an accessory window, the accessory application to execute separately from the teleconferencing application (gallery window 10), to provide at least one accessory function to the teleconferencing application by handling data transmitted to or from the teleconferencing application, and to display information descriptive of the handled data in the accessory window.

7. Regarding dependent claims 8 and 11, Tang taught the accessory application is a file sharing accessory adapted to display in the accessory window a file selected by

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the user to be shared, and to transmit information regarding the file to the remote computer to allow a user of the remote computer to see the file in, and copy the file from, a remote accessory window of a remote accessory application executing on the remote computer (column 9, lines 42-55).

8. Regarding dependent claims 9 and 12, Tang taught the accessory application is configured to update the accessory window to include an indication of a status of remote user access to the file (column 9, lines 63-66).

9. Regarding claim 13 and 15, Tang taught a method of providing a status of a file shared via a file sharing window of a teleconferencing application (column 5, lines 44-50) comprising:

displaying a file sharing window of a teleconferencing application (column 9, lines 38-42);

displaying in the file sharing window a representation of a shared file and an indication of a number of users of a plurality of remote computers who have copied the shared file (column 9, lines 42-49; column 11, lines 54-57); and

updating the indication of the number of users who have copied the shared file responsive to the shared file being copied to one of the remote computers (column 11, lines 49-54).

10. Regarding dependent claim 14 and 16, Tang taught further comprising: updating the indication of the number of users who have copied the shared file responsive to the shared file being deleted from one of the remote computers (column 11, lines 49-57).

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11. Regarding claims 19 and 20, Tang taught a method for mirroring events between a plurality of computers in a teleconference communicatively coupled via a teleconferencing application executing on each of the plurality of computers, the method comprising:

detecting events in a first window on a first computer of the plurality of computers; converting the detected events into video streaming data (column 6, lines 63-67);

transmitting the video streaming data from the first computer to the teleconferencing applications on each of the plurality of computers other than the first computer (column 6, lines 20-26; column 7, lines 1-2) ; and

displaying in a window on each of the plurality of computers other than the first computer the video streaming data representing the detected events from the first computer to allow users of the plurality of computers other than the first computer to observe in the window the detected events from the first window on the first computer (column 8, lines 29-51).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang in view of Morinaga et al., USPN 5,724,578 (hereafter referred to as Morinaga).

14. Regarding claims 17 and 18, Tang taught a method of providing the status of a file shared via a file sharing window of a teleconferencing application comprising:

displaying on each of a plurality of computers a file sharing window for a teleconferencing application, the file sharing window including a representation of a shared file posted by a first user of a first computer of one of the plurality of computers (column 9, lines 38-48; column 11, lines 44-49);

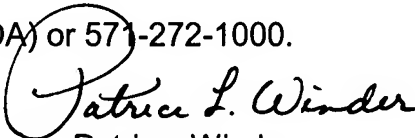
deleting the representation of the shared file from the file sharing window on each of the computers when the first user removes the representation of the shared file from the file sharing window on the first computer (column 11, lines 49-57). Tang does not specifically teach how deleting is restricted. However, Morinaga taught deleting the representation of the shared file only from the file sharing window on a second computer of the plurality of computers when a second user, who did not post the shared file, removes the representation of the shared file from the file sharing window on the second computer (column 4, lines 48-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Morinaga's deleting right in Tang's gallery window for sharing files would have improved management of access rights. The motivation would have been to provide file access privileges.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patrice Winder
Primary Examiner
Art Unit 2145

May 29, 2007